

Appl. No. : **09/470,377**
Filed : **December 22, 1999**

REMARKS

In response to the final Office Action mailed September 12, 2005, Applicant has amended the specification as above. No amendments to the claims have been made. Claims 1-2, 7-11, 16-18 and 21-22 are pending in this application. No new matter is added by the specification amendment as discussed below. Applicant respectfully requests the entry of the amendment and reconsideration of the application in view of the amendment and the remarks set forth below.

Discussion of Specification Amendment

The specification has been amended to add claim priority to U.S. Patent Application No. 09/102,904, filed June 23, 1998, now U.S. Patent No. 6,198,475, issued to Kunimatsu (hereinafter "Kunimatsu") on March 6, 2001. The above amendment to add domestic claim priority is proper because of the following reasons.

There are three common inventors (Yoshimasa Kunimatsu, Chikao Nagasaka and Masato Nishikawa) in both of the present application and the Kunimatsu patent. The two applications were copending since this application was filed on December 22, 1999, and Kunimatsu was filed on June 23, 1998 and issued on March 6, 2001. Furthermore, this application was filed before November 29, 2000. Thus, Applicant respectfully submits that there is no petition required to submit an amendment containing the specific reference to the prior filed patent application. 37 *CFR* 1.78 (a) (ii) (B). Furthermore, the above amendment does not introduce any new matter. Entry of the amendment is respectfully requested.

Discussion of Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1, 2, 7-10, 16-18, 21 and 22 under 35 U.S.C. § 102(e) as being anticipated by Kunimatsu. As discussed above, this application is a continuation-in part of the Kunimatsu patent, which is incorporated by reference into the present application. Thus, Kunimatsu is not in fact prior art with respect to the claimed invention of the present application under 35 U.S.C. § 102(e). Withdrawal of the rejections is respectfully requested.

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Discussion of Claim Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Kunimatsu in view of U.S. Patent No. 4,565,460 to Kline (hereinafter "Kline"). Claim 11 includes all of the limitations of its base Claims 1 and 2, and further defines additional technical features of the present invention. Furthermore, as discussed above, Kunimatsu is no longer prior art with respect to the claimed invention. Since Kline does not remedy the deficiency of Kunimatsu, and in view of the additional technical features of Claim 11, the dependent claim is patentable over the prior art references.

Furthermore, Applicant notes that Kunimatsu is not available to support a Section 103(a) rejection pursuant to 35 U.S.C. 103(c). Applicant presents the following statement in support of this assertion:

Both the present application (U.S. Patent Application 09/470,377) and Kunimatsu (U.S. Patent 6,198,475) were, at the time the invention of Application 09/470,377 was made, either owned by Kabushiki Kaisha Tokai-Rika-Denki-Seisakusho or subject to an obligation to assign to Kabushiki Kaisha Tokai-Rika-Denki-Seisakusho.

In view of the above, withdrawal of the rejections is respectfully requested.

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CONCLUSION

In view of the foregoing amendment and remarks, it is respectfully submitted that the present application is in condition for allowance. If the Examiner has any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the indicated telephone number.

Respectfully submitted,

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